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09/878,047	06/07/2001	Clinton L. Ballard	BA1.P26	1636

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EXAMINER	
TIV, BACKHEAN	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/878,047	BALLARD, CLINTON L.	
	Examiner	Art Unit	
	Backhean Tiv	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 October 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detailed Action

Claims 1-17 are pending in this action. This is a response to the amendment filed on 10/14/04.

Drawings

The drawings, Figs.3-8, are not legible. The applicant is advised to submit computer generated figures and not hand written figures.

Claim Objections

Claim 1 is objected to because of the following informalities:

Claim 1, recites the limitation, "receiving the the first transmission", one of the "the" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3,9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,933,478 issued to Ozaki et al.(Ozaki) in view of US Patent 6,630,883 issued to Amin et al.(Amin) in further view of US Patent 6,779,178 issued to Lloyd et al.(Lloyd).

As per claim 1, 9 Ozaki teaches a method for mail-messaging on a global information network, wherein a user generates a prepared message(Abstract), the method comprising the steps of:

commencing a first transmission a from the source location to a destination address, the first transmission comprising a mail notice, the mail notice excluding the prepared message, the mail notice comprising a source address, a destination address and a message identifier, the a message identifier comprising a code for identifying the prepared message(col.3, lines 10-35,col.9, lines 11-33, 48-64);

packaging at the source location the prepared message and the message identifier for said prepared message into a mail message(col.3, lines 10-35,col.9, lines 11-33, 48-64); receiving the first transmission at the destination address(col.3, lines 10-35,col.9, lines 11-33, 48-64); and responding at the destination address to the message identifier of the first transmission by establishing a communication path to receive the mail message at the destination address(col.3, lines 10-35).

Ozaki, however, does not explicitly teach commencing a second transmission from the source location to a forwarding server, the second transmission comprising the mail message, wherein the second transmission is independent of the first transmission; generating the prepared message at a source location; and using a binary formatting protocol to prepare messages.

Amin however teaches commencing a second transmission from the source location to a forwarding server, the second transmission comprising the mail message,

wherein the second transmission is independent of the first transmission(col.5, lines 13-27); generating the prepared message at a source location(col.5, lines 13-27).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki to include a transmission from a source location to a forwarding server and to prepare the message at the source location as taught by Amin in order to deliver messages from one person to another person(Amin, col.1, lines 5-67).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Ozaki and Amin in order to provide a system to forward message notification to a subscriber through a wireless communication network(Amin, col.1, lines 5-10).

Ozaki in view of Amin does not explicitly teach using a binary formatting protocol to prepare messages.

Lloyd teaches using binary formatting protocol to prepare messages(col.27, lines 45-49, 57-60, col.28, line 1).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki in view of Amin and use binary formatting protocol as taught by Lloyd in order to incorporate information besides text data in messages(Lloyd, col.27, lines 58-60).

One ordinary skilled in the art would have been motivated to combine Ozaki, Amin, and Lloyd to provide personalize email messages(Lloyd, col.2, lines 10-15).

As per claim 2, 10, in which establishing a communication path comprises contacting the forwarding server with the message identifier(Ozaki, col.3, lines 10-35, Amin, col.5, lines 13-27); the method further comprising the steps of: identifying at the forwarding server the mail message corresponding to the message identifier(Ozaki, col.3, lines 10-35, Amin, col.5, lines 13-27); and transmitting the mail message from the forwarding server to the destination address using the binary formatting protocol(Amin, col.5, lines 13-27, Lloyd, col.28, line 1). Motivation to combine set forth in claim 1.

As per claim 3, the method of claim 1, wherein the step of packaging comprises the step of compressing the prepared message(Ozaki, col.3, lines 10-35, Amin, col.5, lines 13-27). Motivation to combine set forth in claim 1.

Claims 4-7,11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,933,478 issued to Ozaki et al.(Ozaki) in view of US Patent 6,630,883 issued to Amin et al.(Amin) in further view of US Patent 6,779,178 issued to Lloyd et al.(Lloyd) in further view of EP 1,259,036 issued to Yabe et al.(Yabe).

Ozaki in view of Amin in further view of Lloyd teaches all the limitations of claim 1, and 9, however does not explicitly teach as per claim 4,11, wherein the step of responding comprises contacting the forwarding server with the message identifier specified within the mail notice and contacting the source address specified within the mail notice determining which one of the source address and the forwarding server respond first to contact with the destination address commencing receipt of a transmission of the mail message in the binary formatting protocol from the one of the

source address and forwarding server which responds first to contact with the destination address.

Yabe teaches wherein the step of responding comprises contacting the forwarding server with the message identifier specified within the mail notice and contacting the source address specified within the mail notice(col.2, lines 9-21); determining which one of the source address and the forwarding server respond first to contact with the destination address(col.2, lines 22-37); commencing receipt of a transmission of the mail message in the binary formatting protocol from the one of the source address and forwarding server which responds first to contact with the destination address(col.2, lines 38-45).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki in view of Amin in further view of Lloyd to add wherein the step of responding comprises contacting the forwarding server with the message identifier specified within the mail notice and contacting the source address specified within the mail notice determining which one of the source address and the forwarding server respond first to contact with the destination address commencing receipt of a transmission of the mail message in the binary formatting protocol from the one of the source address and forwarding server which responds first to contact with the destination address as taught by Yabe in order to control email deliver(Yabe, col.1, lines 44-46).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Ozaki, Amin, Lloyd, and Yabe in order to provide a delivery of email to mobile communication devices(Yabe, col.1, lines 5-10).

As per claim 5,12 further comprising the step of suspending contact with the other one of the source address and forwarding server; and upon successful receipt of the mail message, notifying the sending address and the forwarding server that the mail message has been successfully received(Ozaki, col.3, lines 10-35, Amin, col.5, lines 13-27, Yabe, col.2, lines 38-45).Motivation to combine set forth in claim 4.

As per claim 6,13, further comprising the steps of:
receiving contact at the source address from the destination address(Ozaki, col.3, lines 10-35); responsive to receiving contact at the source address, determining whether transmission of the mail message from the source location to the forwarding server is incomplete(Ozaki, col.9, line 1-col.12, line 67); and when transmission to the forwarding server is still incomplete, pausing transmission of the mail message from the source location to the forwarding server, and transmitting the mail message from the source location to the destination address using the binary formatting protocol(Yabe, col.7, line 31-col.8, line 29). Motivation to combine set forth in claim 4.

As per claim 7, 14, further comprising the steps of: when transmission of the mail message from the source location to the destination address fails, resuming transmission of the mail message from the source location to the forwarding server(Yabe, col.5, line55-col.6, line 5); and

when transmission of the mail message from the source location to the destination address succeeds, aborting transmission of the mail message from the source location to the forwarding server(Yabe, Fig.6' it is implicit in the combination of the references that when the transmission of the mail message to the destination address succeeds that the transmission to the forwarding server will be aborted because there is no need to transmit to the forwarding server if the destination terminal receives the mail message).Motivation to combine set forth in claim 4.

Claims 8,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,933,478 issued to Ozaki et al.(Ozaki) in view of US Patent 6,630,883 issued to Amin et al.(Amin) in further view of US Patent 6,779,178 issued to Lloyd et al.(Lloyd) in further view of US Patent 6,047,326 issued to Kilkki.

Ozaki in view of Amin in further view of Lloyd teaches all the limitations of claim 1 and 9, however does not teach as per claim 8, 15, further comprising the steps of : determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting server which allocates a fee, based upon the tally, to an account corresponding to the source address.

Kilkki teaches determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting

server which allocates a fee, based upon the tally, to an account corresponding to the source address(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Ozaki in view of Amin in further view of Lloyd to explicitly add determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting server which allocates a fee, based upon the tally, to an account corresponding to the source address as taught by Kilkki in order to conduct commerce over the Internet(Kilkki, col.1, lines 21-22)

One skilled in the art would have been motivated to combine Ozaki, Amin, Lloyd and Kilkki, in order to provide a method to charge for usage of an network service connection(Kilkki, col.1,lines 5-9)

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,933,478 issued to Ozaki et al.(Ozaki) in view of US Patent 6,630,883 issued to Amin et al.(Amin) in further view of US Patent 6,779,178 issued to Lloyd et al.(Lloyd) in further view of US Patent 6,073,142 issued to Geiger et al.(Geiger).

As per claim 16, Ozaki teaches a method for mail-messaging on a global information network, wherein a user generates a prepared message, the method comprising the steps of:

sending a the message identifier corresponding to the prepared message from a the source location to a destination address, the message identifier being sent to the destination address without the prepared message(col.9, lines 11-32);

packaging the prepared message and the corresponding message identifier into a mail message(col.9, lines 11-32, 47-64);

logging onto the global information network at the destination address(Fig.23);

receiving the message identifier at the destination address(col.9, lines 11-32, 47-64);

accessing mail destined for the destination address, the step of accessing comprising automatically responding to the message identifier by contacting the server(col.9, lines 11-32, 47-64); the message identifier comprising a code for identifying the prepared message(col.9, lines 11-32, 47-64);

However Ozaki does not explicitly teach transmitting the mail message from the forwarding server to the destination address; commencing transmission of the mail message from the source location to a forwarding server; generating at a source location the prepared message and a message identifier; using a binary formatting protocol to prepare messages; deleting the mail message from the forwarding server upon receiving an indication of a successful receipt of the mail message at the destination computer.

Amin teaches transmitting the mail message from the forwarding server to the destination address(col.5, lines 13-27); commencing transmission of the mail message from the source location to a forwarding server(col.5, lines 13-27); generating at a source location the prepared message and a message identifier(col.5, lines 13-27).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki to include transmitting the mail message from the forwarding server to the destination address; commencing transmission of the mail message from the source location to a forwarding server; generating at a source location the prepared message and a message identifier as taught by Amin in order to deliver messages from one person to another person(Amin, col.1, lines 5-67).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Ozaki and Amin in order to provide a system to forward message notification to a subscriber through a wireless communication network(Amin, col.1, lines 5-10).

Ozaki in view of Amin does not explicitly teach using a binary formatting protocol to prepare messages.

Lloyd teaches using binary formatting protocol to prepare messages(col.27, lines 45-49, 57-60, col.28, line 1).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki in view of Amin and use binary formatting protocol as taught by Lloyd in order to incorporate information besides text data in messages(Lloyd, col.27, lines 58-60).

One ordinary skilled in the art would have been motivated to combine Ozaki, Amin, and Lloyd to provide personalize email messages(Lloyd, col.2, lines 10-15).

Ozaki in view of Amin in further view of Lloyd however does not explicitly teach deleting the mail message from the forwarding server upon receiving an indication of a successful receipt of the mail message at the destination computer.

Geiger teaches deleting the mail message from the forwarding server upon receiving an indication of a successful receipt of the mail message at the destination computer(col.3, lines 28-35; Geiger teaches business rules to specify actions which can be applied to deleting an email from the forwarding server upon receiving anindication of a successful receipt of the email message at the destination computer).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the system of Ozaki in view of Amin in further view of Lloyd to delete email messages as taught by Geiger in order to control the number of documents in an organization(Geiger, col.1, lines 15-20).

One ordinary skilled in the art at the time of the invention would have been motivated to combine Ozaki, Amin, Lloyd, and Geiger to provide a system to control the distribution of email messages(Geiger, col.1, lines 7-10).

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,933,478 issued to Ozaki et al.(Ozaki) in view of US Patent 6,630,883 issued to Amin et al.(Amin) in further view of US Patent 6,779,178 issued to Lloyd et al.(Lloyd) in further view of US Patent 6,073,142 issued to Geiger et al.(Geiger) in further view of US Patent 6,047,326 issued to Kilkki.

Ozaki in view of Amin in further view of Lloyd in further view of Geiger teaches all the limitations of claim 16, however does not teach as per claim 17, further comprising the steps of : determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting server which allocates a fee, based upon the tally, to an account corresponding to the source address.

Kilkki teaches determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting server which allocates a fee, based upon the tally, to an account corresponding to the source address(Abstract).

Therefore it would have been obvious to one ordinary skilled in the art at the time of the invention to modify the method of Ozaki in view of Amin in further view of Lloyd in further view of Geiger to explicitly add determining a tally of bits successfully transmitted to the destination address; and uploading the tally and the source address to an accounting server which allocates a fee, based upon the tally, to an account corresponding to the source address as taught by Kilkki in order to conduct commerce over the Internet(Kilkki, col.1, lines 21-22)

One skilled in the art would have been motivated to combine Ozaki, Amin, Lloyd, Geiger and Kilkki, in order to provide a method to charge for usage of an network service connection(Kilkki, col.1,lines 5-9)

Response to Arguments

The applicant has amended the claim 1 to fix the minor informalities, the misspelling, therefore the examiner withdraws the claim objection from the previous Office Action. Claim 1, however, still has minor informalities, see objection above.

Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Backhean Tiv whose telephone number is (571)272-3941. The examiner can normally be reached on 9 A.M.-12 P.M. and 1 -6 P.M. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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